

**GENERAL ORDER NO. 164-D**

(Supersedes General Order No. 164-C)

**PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA****RULES AND REGULATIONS GOVERNING STATE SAFETY  
OVERSIGHT OF RAIL FIXED GUIDEWAY SYSTEMS**

**(adopted by ...)**

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**IT IS ORDERED** that the following rules and regulations governing the safety oversight of Rail Transit Agencies and Rail Fixed Guideway Systems shall hereafter be observed in this State unless otherwise directed by the California Public Utilities Commission (Commission).

## **1 GENERAL PROVISIONS**

- 1.1 *Authority.* These rules and regulations are authorized by and implement the provisions of 49 U.S.C. 5330, Intermodal Surface Transportation Efficiency Act of 1991, Sec. 3029, Title 49 of the Code of Federal Regulation, Part 659, Rail Fixed Guideway Systems, State Safety Oversight; Final Rule, and Sections 778 and 99152 of the California Public Utilities Code.
- 1.2 *Applicability.* These rules and regulations are applicable to all Rail Transit Agencies and Rail Fixed Guideway Systems in California.
- 1.3 *Additional Rules.* The Commission may make such additional rules and regulations or changes to these rules and regulations as necessary for the purpose of safety.
- 1.4 *Exemptions or Modifications.* Requests for exemptions from or modifications of these rules and regulations, must be filed by Rail Transit Agencies, and shall contain a full statement of the reasons justifying the request and demonstrating that safety is not reduced. Any exemption or modification so granted shall be limited to the particular matter covered by the request. All exemptions and modifications shall require Commission approval.

## 2 DEFINITIONS

- 2.1 *Contractor* means an entity that performs tasks required on behalf of the Commission or Rail Transit Agency (RTA).
- 2.2 *Corrective Action Plan* means a plan developed by a RTA that describes the actions the RTA will take to minimize, mitigate, control, correct, or eliminate hazard, and the schedule for implementing those actions.
- 2.3 *Certifiable Elements List* means a list that contains all facilities, systems, rail at-grade crossings, and other items that are subject to safety certification due to their safety functions.
- 2.4 *Director* means the director of the Commission division responsible for the safety oversight of Rail Transit Agencies.
- 2.5 *Existing Industry Standards* means the currently accepted industry and professional engineering standards and/or guidelines relating to the design, construction, operation, and maintenance of Rail Fixed Guideway Systems such as ANSI, APTA, AREMA, ASCE, ASEE, ASME, FRA, FTA, IEEE, NFPA, and others.
- 2.6 *FRA* means the Federal Railroad Administration
- 2.7 *FTA* means the Federal Transit Administration.
- 2.8 *Hazard Analysis* means any analysis performed to identify hazards for the purpose of their elimination, mitigation, or control.
- 2.9 *Hazard* means any real or potential condition (as defined in the RTA's hazard management process) that can cause injury, illness, or death; damage to or loss of a system, equipment or property; or damage to the environment.

- 2.10 *Highway* means any type of road, either paved or unpaved, intended for vehicular traffic or pathways used primarily by pedestrians, including pedestrian access points at train stations.
- 2.11 *Individual* means a passenger; employee; contractor; other rail transit facility worker; pedestrian; trespasser; or any person on rail transit-controlled property.
- 2.12 *Investigation* means the process used to determine the causal and contributing factors of an accident or hazard, so that the actions can be identified to prevent recurrence.
- 2.13 *Major Projects (Projects)* means new rail systems or extensions, the acquisition and integration of new vehicles and safety critical technologies into existing service or major safety critical redesign projects, excluding functionally and technologically similar replacements.
- 2.14 *May* is permissive.
- 2.15 *Passenger* means a person who is on board, boarding, or alighting from a rail transit vehicle for the purpose of travel.
- 2.16 *Person* means any individual.
- 2.17 *Program Manager* means the manager of the Commission Branch responsible for rail crossing safety.
- 2.18 *Rail Crossing* means an intersection of any Rail Fixed Guideway System or FRA regulated railroad, with highways (such as streets, roads and pedestrian/bicycle travel ways).
- 2.19 *Rail Fixed Guideway System (RFGS)* means any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, cable car, automatic people mover, or automated guideway transit system used for public transit and not

regulated by the FRA or not specifically exempted by statute from Commission oversight.

- 2.20 *Rail Transit Agency (RTA)* means the entity that plans, designs, constructs, and/or operates a RFGS.
- 2.21 *Rail Transit-Controlled Property* means property that is used by the RTA and may be owned, leased, or maintained by the RTA.
- 2.22 *Rail Transit Vehicle* means a RTA's rolling stock, including but not limited to passenger and maintenance vehicles.
- 2.23 *Safety* means freedom from harm resulting from unintentional acts or circumstances.
- 2.24 *Safety Certification* is the series of acts or processes that collectively verify the safety readiness of a Project for public use.
- 2.25 *Safety Certification Plan (SC Plan)* means a Project-specific document developed by a RTA, which ensures that elements critical to safety are planned, designed, constructed, analyzed, tested, inspected, implemented, employees trained and rules and procedures followed, in compliance with RFGS and regulatory safety requirements.
- 2.26 *Safety Certification Verification Report (SCVR)* means a Project-specific document that will be the final certificate of compliance verifying that the Project complies with all safety requirements identified by a RTA's SC Plan.
- 2.27 *Safety Design Criteria* means the organized listing of safety codes, regulations, rules, design procedures, existing industry standards, recommended practices, analyses, handbooks and manuals prepared to provide guidance to

Project designers in development of technical specifications that meet minimum safety parameters.

2.28 *Security* means freedom from harm resulting from intentional acts or circumstances.

2.29 *Shall* is mandatory.

2.30 *Staff* means Commission employees responsible for safety oversight of RTAs or rail crossing safety.

2.31 *System Safety Program Plan (SSPP)* means a document adopted by a RTA detailing its safety policies, objectives, responsibilities, and procedures.

2.32 *System Security Plan (Security Plan)* means a document adopted by a RTA detailing its security policies, objectives, responsibilities, and procedures.

### **3 REQUIREMENTS FOR SYSTEM SAFETY PROGRAM PLANS**

3.1 Each RTA shall submit its SSPP to Staff for Commission approval. No RTA shall begin transit operations prior to Commission approval of its SSPP. Staff and RTA shall annually review the SSPP to determine whether the plan should be modified or updated. Each RTA shall submit the revised SSPP for Staff approval. Staff shall issue a formal letter to the RTA approving the revised SSPP.

3.2 The SSPP shall include, at a minimum:

- a. A policy statement signed by the RTA's chief executive that endorses the safety program and describes the authority that establishes the SSPP.
- b. A clear definition of the goals and objectives for the safety program and stated management

- responsibilities to ensure they are achieved.
- c. An overview of the RTA's management structure, including:
    - i. An organization chart;
    - ii. A description of how the safety function is integrated into the entire RTA organization; and
    - iii. The line of authority and responsibility for safety related matters.
  - d. The process used to control changes to the SSPP, including:
    - i. Specifying annual assessment of updating the SSPP; and
    - ii. Requiring coordination with the Commission, including timeframes for submission, revision, and approval.
  - e. A description of the specific activities required to implement the system safety program, including:
    - i. Tasks to be performed by the rail transit safety function, by position and management accountability, specified matrices and/or narrative format; and
    - ii. Safety related tasks to be performed by other rail transit departments, by position and management accountability, specified matrices and/or narrative format.
  - f. A description of the process used by the RTA to implement its hazard management program including activities for:
    - i. Hazard identification;
    - ii. Hazard investigation, evaluation and analysis;

- iii. Hazard mitigation, control, and elimination;
- iv. Hazard tracking; and
- v. Requirements for on-going reporting to the Commission relating to hazard management activities and status.
- g. A description of the process used by the RTA to ensure that safety concerns are addressed in modifications to existing systems, vehicles, and equipment, which do not require formal safety certification.
- h. A description of the safety certification process used to ensure that safety concerns and hazards are adequately addressed prior to initiation of Projects and subsequent Projects to extend, rehabilitate, or modify an existing system, or to replace vehicle and equipment. Refer to Sections 11 and 12 for Project Requirements for Safety Certification Plan and Requirements for Safety Certification Verification Reports.
- i. A description of the process used to collect, maintain, analyze, and distribute safety data within the RTA, to ensure the safety function receives the necessary information to support implementation of the system safety program.
- j. A description of the process used to perform accident notification, investigation, and reporting, including:
  - i. Notification thresholds for internal and external organizations;
  - ii. Accident investigation process and references to



- procedures;
- iii. The process used to develop, implement, and track corrective actions that address investigation findings;
- iv. Reporting to internal and external organizations; and
- v. Ensuring full participation and coordination with the Commission.
- k. A description of the process used to develop an approved, coordinated schedule for all emergency management program activities, which include:
  - i. Meetings with external agencies;
  - ii. Emergency planning responsibilities and requirements;
  - iii. Process used to evaluate emergency preparedness, including plan for and frequency of emergency drills;
  - iv. After action reports and implementation of findings;
  - v. Revision and distribution of emergency response procedures;
  - vi. Familiarization training for public safety organizations; and
  - vii. Employee training.
- l. A description of the process used to ensure that planned and scheduled internal safety reviews are performed to evaluate compliance with the SSPP, including:
  - i. Identification of the departments and functions subject to review;
  - ii. Responsibility for scheduling reviews;
  - iii. Process for conducting reviews, including the development of the checklists and procedures and

- issuing of findings;
- iv. Reporting requirements;
- v. Tracking the status of recommendations and corrective action plans; and
- vi. Ensuring full participation and coordination with the Commission.
- m. A description of the process used to develop, maintain, and ensure compliance with rules and procedures having a safety impact, including:
  - i. Identification of operating and maintenance rules and procedures subject to review;
  - ii. Techniques used to assess the implementation of operating rules and procedures by employees, such as performance testing;
  - iii. Techniques used to assess the effectiveness of supervision relating to implementation of operating and maintenance rules; and
  - iv. Process for documenting results and incorporating them into the hazard management program
- n. A description of the process used for facilities and equipment safety inspections, including:
  - i. Identification of the facilities and equipment subject to regular safety related inspection and testing;
  - ii. Techniques used to conduct inspections and testing;
  - iii. Inspection schedules and procedures; and
  - iv. Description of how results are entered in the hazard management process.
- o. A description of the maintenance audits and

inspections program, including identification of the affected facilities and equipment, maintenance cycles, documentation required, and the process for integrating identified problems into the hazard management process.

- p. A description of the training and certification program for employees and contractors, including:
  - i. Categories of safety-related work requiring training and certification and the required retraining and recertification period for each category;
  - ii. A description of the training/retraining and certification/recertification program for employees and contractors in safety-related positions;
  - iii. Process used to maintain and access employee and contractor training records; and
  - iv. Process used to assess compliance with training and certification requirements.
- q. A description of the configuration management control process, including:
  - i. The authority to make configuration changes;
  - ii. Process for making changes; and
  - iii. Process and assurances for notifying all involved departments.
- r. A description of the safety program for employees and contractors that incorporates the applicable local, state and federal requirements, including:
  - i. Safety requirements that employees and contractors must follow when working on, or in close proximity to,

- RTA property; and
  - ii. Processes for ensuring the employees and contractors know and follow the requirements.
  - s. A description of the hazardous materials program, including the process used to ensure knowledge of and compliance with program requirements
  - t. A description of the drug and alcohol program and the process used to ensure knowledge of and compliance with program requirements.
  - u. A description of the measures, controls, and assurances in place to ensure that safety principles, requirements and representatives are included in the procurement process.
- 3.3 Staff may perform inspections, investigations, and reviews of the design, construction, operation, maintenance and administration of each RTA to assess whether the actual safety procedures and practices of the RTA comply with its SSPP. RTA shall permit Staff access to all facilities, documents, and records and provide reports when requested.
- 3.4 Each RTA shall undergo an on-site review of the implementation of its SSPP by Staff at least once every three years to verify compliance with and evaluate the effectiveness of the SSPP. Staff may conduct the on-site review with its own personnel or by employing the services of a contractor other than the RTA.
- 3.5 Following each triennial on-site review, the Commission will issue a decision based upon the Staff findings and

recommendations, including an analysis of the efficacy of the SSPP and the need, if any, for updating the plan.

#### **4 REQUIREMENTS FOR SYSTEM SECURITY PLANS**

- 4.1 Each RTA shall submit its Security Plan to Staff for Commission approval. No RTA shall begin transit operations prior to Commission approval of its Security Plan. Each RTA System Security Plan must be developed and maintained as a separate document and shall not be part of the RTA SSPP. Staff and RTA shall annually review the Security Plan to determine whether the plan should be modified or updated. Each RTA shall submit the revised Security Plan for Staff approval. Staff shall issue a formal letter to the RTA approving the revised Security Plan.
- 4.2 The Security Plan shall address the personal security of passengers, employees, and the general public. FTA's applicable report shall serve as a set of guidelines for preparation of the Security Plan. Procedural details that the RTA classifies as confidential information to prevent or mitigate breaches of security shall not be revealed in the Security Plan. RTAs should identify all information they deem confidential for security purposes pursuant to Public Utilities Code Section 583.
- 4.3 At a minimum, the Security Plan shall address the following:
  - a. Identify the policies, goals, and objectives for the security program endorsed by RTA's chief executive.
  - b. The process for managing threats and vulnerabilities during operations, and for Projects, extensions, new

vehicles and equipment, including integration with the safety certification process.

- c. The controls in place that address the personal security of passengers and employees.
  - d. The process for conducting internal security reviews to evaluate compliance and measure the effectiveness of the Security Plan.
  - e. The process for making the Security Plan and accompanying procedures available to the Commission for review and approval.
  - f. The process for notifying, investigating, and reporting security breaches that meet the accident notification and investigation thresholds in Sections 6 and 7.
- 4.4 Staff may perform inspections, investigations, and reviews of the design, construction, operation, maintenance and administration of each RTA to assess whether the actual security procedures and practices of the RTA comply with its Security Plan. RTA shall permit Staff access to all facilities, documents, and records.
- 4.5 Each RTA shall undergo an on-site review of the implementation of its Security Plan by Staff at least once every three years to verify compliance with and evaluate the effectiveness of the Security Plan. Staff may conduct the on-site review with its own personnel or by employing the services of an organization other than the RTA.
- 4.6 Following each triennial on-site review, the Commission will issue a decision based upon Staff findings and recommendations, including an analysis of the efficacy of

the Security Plan and the need, if any, for updating the plan.

## **5 REQUIREMENTS FOR INTERNAL SAFETY AND SECURITY REVIEWS**

- 5.1 Each RTA shall annually perform planned and scheduled internal safety and security reviews to evaluate compliance and measure the effectiveness of its SSPP and Security Plan.
- 5.2 All of the organizational elements described in Sections 3 and 4, and the RTA's SSPP and Security Plan shall be included in the scope of the activities to be reviewed by each RTA. This total scope must be completely covered by the internal safety and security reviews conducted within a 3-year period, and every 3-year period thereafter.
- 5.3 Each RTA shall prepare a schedule of internal safety and security reviews to be performed during each calendar year. Each RTA shall submit this schedule, including any subsequent changes, to Staff at least 30 calendar days before any scheduled reviews.
- 5.4 Each RTA shall perform each internal safety and security review in accordance with written checklists by personnel technically qualified to verify compliance and judge the effectiveness of the SSPP activity or Security Plan activity being reviewed. Each RTA shall provide the checklists to Staff prior to the review. The reviewers may be organizationally assigned to the unit responsible for management of the activity being reviewed, but they must be independent from the first line of supervision responsible for performance of the activity being reviewed.

- 5.5 Each RTA shall document the internal safety and security review in an annual report that covers the reviews performed during each calendar year.
- a. The annual report shall state the results of each review in terms of the adequacy and effectiveness of the SSPP and the Security Plan. It shall include the status of subsequent findings and corrective actions.
  - b. Prior to the 15<sup>th</sup> of February each year, the RTA shall submit to Staff the annual report for the internal safety and security reviews performed during the preceding year.
  - c. The annual report must be accompanied by a formal letter of certification signed by the RTA's chief executive indicating that the RTA is in compliance with its SSPP and Security Plan. If the RTA determines that findings from its internal safety and security reviews indicate that the RTA is not in compliance with its SSPP or Security Plan, the chief executive must identify the activities the RTA will take to achieve compliance.
  - d. Staff shall approve or reject the RTA's Internal Safety and Security Review Annual Report. If rejected, Staff shall identify the areas in the report to be corrected. The RTA shall revise the rejected report and resubmit to Staff. If the RTA does not agree with the rejection, it may appeal to the Commission pursuant to the Commission Rules of Practice and Procedure.



## **6 REQUIREMENTS FOR HAZARD MANAGEMENT PROCESS**

Each RTA SSPP's discussion of the hazard management process shall include a process to identify and resolve hazards during operations, including any hazards resulting from system extensions and modifications, operational changes or other changes within the rail transit environment. The hazard management process must, at a minimum:

- a. Define the approach to hazard management and the implementation of an integrated system-wide hazard resolution process.
- b. Specify the sources of, and mechanisms to support the on-going identification of hazards.
- c. Define the process by which identified hazards are evaluated and prioritized for elimination or control.
- d. Identify the mechanism used to track to resolution the identified hazard(s).
- e. Define minimum thresholds for the notification and reporting of hazard(s) to Staff.
- f. Specify the process for reporting of hazard resolution activities to Staff.

## **7 REQUIREMENTS FOR REPORTING ACCIDENTS AND HAZARDS**

- 7.1 Each RTA shall submit immediately reportable incident and hazard reports to Staff. An immediately reportable incident is one, which meets or exceeds the thresholds established in Section 7.2. The RTA shall notify the Staff representative or designee within two hours of any immediately reportable

incident involving a rail transit vehicle or taking place on a rail transit-controlled property. Notification shall be by telephone to the designated contact person.

7.2 Each RTA shall immediately notify Staff of incidents and hazards where one of the following occurs:

- a. A fatality at the scene; or where an individual is confirmed dead within 30 calendar days of a rail transit-related incident;
- b. Injury to two or more individuals requiring immediate medical attention away from the scene;
- c. Property damage to rail transit vehicles, non-rail transit vehicles, other rail transit property or facilities, and non-transit property that equals or exceeds \$25,000;
- d. A collision at an at-grade crossing;
- e. A derailment;
- f. A collision with an individual on a rail right-of-way;
- g. A collision between a rail transit vehicle and a second rail transit vehicle, or a rail transit non-revenue vehicle;
- h. An evacuation due to life safety reasons

7.3 The Rail Transit Agency shall provide as part of the notification:

- a. The time and date of the incident;
- b. The location of the incident, including grade crossing number if applicable;
- c. The approximate number of killed or injured, if any;

- d. The rail transit vehicles involved in the incident, if any;
  - e. The factor from Section 7.2 that makes the incident immediately reportable; and
  - f. The emergency response organizations at the scene of the incident.
- 7.4 A RTA that shares track with the general railroad system and is subject to the Federal Railroad Administration incident notification requirements, shall, within two hours, notify Staff of any incident requiring notification to the Federal Railroad Administration.
- 7.5 Each RTA shall submit written accident and hazard reports on forms prescribed by Staff. Each RTA shall submit such written reports within 30 calendar days after the last day of the month in which the accident occurred or the hazard was discovered. Each RTA shall file written reports for all hazards and immediately reportable accidents.
- 7.6 Each RTA shall file a monthly accident, hazard, and corrective action summary report. Each RTA shall file this report on a form prescribed by Staff within 30 calendar days from the last day of the month covered. Each RTA shall file the monthly summary report whether or not any reportable accident occurred or any hazard was identified during the month.

## **8 REQUIREMENTS FOR INVESTIGATING ACCIDENTS AND HAZARDS**

- 8.1 Each RTA shall investigate all reportable accidents and hazards involving rail transit vehicle or taking place on rail

transit-controlled property. Staff may also perform separate, independent investigations at its own discretion

- 8.2 The accident investigations performed by each RTA shall be conducted in accordance with written procedures. Each RTA Accident Investigation Procedure, including any changes, shall be submitted to Staff for approval
- 8.3 When investigating accidents and hazards that require immediate notification per 7.2 and 6e above, the RTA shall:
- a. Notify Staff in advance whenever an investigator, investigation team, or panel performs interviews, questions witnesses, or conducts inspections, measurements, examinations, or tests as part of the investigation;
  - b. Provide for Staff's participation to the fullest extent possible in accident investigations and make all information related to the accident investigation, including data from event recorders, available to Staff;
  - c. Document in a written report each item investigated, the investigation findings, the most probable cause, contributing causes, and recommendations for corrective action to prevent a recurrence of the accident or hazards;
  - d. Prepare a corrective action plan as a part of the investigation report or in a separate document. For corrective action plan detail refer to Section 9.
  - e. Submit its final investigation report within 60 calendar days of the occurrence of the accident or identification of the hazard. If the investigation takes longer than 60

calendar days to complete, the RTA shall submit interim status reports every 30 calendar days. If Staff finds the final investigative report acceptable, Staff shall issue a formal letter to the RTA approving the report. If rejected, Staff shall identify the areas in the report to be corrected. The RTA shall revise the rejected report and resubmit to Staff. If the RTA does not agree with the rejection, it may appeal to the Commission pursuant to the Commission Rules of Practice and Procedure.

- 8.4 Investigation reports and corrective action plans prepared by a RTA and filed with the Commission or Staff shall not be admissible as evidence nor shall they be used in any civil action for damages based on or arising out of matters covered therein unless specifically authorized by the Commission.

## **9 REQUIREMENTS FOR CORRECTIVE ACTION PLANS**

- 9.1 Rail Transit Agencies shall develop corrective action plans for the following:
- a. Results of accident and hazard investigations, in which identified causal and contributing factors are determined as requiring corrective actions.
  - b. Recommendations contained in the Staff triennial safety and security review reports as adopted by the Commission.
- 9.2 Each RTA shall submit an accident investigation corrective action plan to Staff within 60 calendar days of the

occurrence of the accident or identification of the hazard as part of the investigation report or in a separate document. If the corrective action plan implementation takes longer than 60 calendar days to complete, The RTA shall submit interim status reports every 30 calendar days. . The corrective action plan shall identify the action to be taken with an accompanying implementation schedule, and the individual or department responsible for the implementation.

- 9.3 Each RTA shall submit a corrective action plan based on the recommendations contained in the Staff triennial safety and security review reports as adopted by the Commission. The corrective action plan shall identify the action to be taken with an accompanying implementation schedule, and the individual or department responsible for the implementation. Each RTA shall submit to staff corrective action plan interim status reports according to the Commission Decision
- 9.4 Each RTA shall submit each corrective action plan to Staff for review and approval. If Staff finds the corrective action plan acceptable, Staff shall issue a formal letter to the RTA approving the corrective action plan. If rejected, Staff shall identify the areas in the plan to be corrected. The RTA shall revise the rejected plan and resubmit to Staff. If the RTA does not agree with the rejection, it may appeal to the Commission pursuant to the Commission Rules of Practice and Procedure.
- 9.5 If the National Transportation Safety Board (NTSB) investigates an accident involving a RTA, Staff and the RTA shall meet to address NTSB's findings and determine the

appropriate corrective actions to be taken based on those findings and all other information available on the incident.

- 9.6 Each RTA shall submit to Staff verification that the corrective action(s) has been implemented as described in the corrective action plan, or that a proposed alternate action(s) has been implemented subject to Staff approval.

## **10 REQUIREMENTS FOR RAIL CROSSINGS**

- 10.1 In the early planning stages of a Project, prior to finalizing draft environmental review documents, the RTA shall submit a Rail Crossing Hazard Analysis Report (RCHAR) to Staff listing every proposed rail crossing. It is the Commission's policy to reduce the number of at-grade rail crossings, and therefore the RCHAR must provide justification for keeping each proposed crossing at-grade. At a minimum, the RCHAR must provide the following data for each proposed at-grade crossing:

- a. Current and projected railroad operations - number, type (must indicate if crossing is planned to be used by other types of trains such as freight trains), and speed(s) of trains;
- b. Current and projected highway usage - number, type (cars, trucks, buses, pedestrians, bicyclists, etc.), and speed of vehicles;
- c. Existing and projected facilities that generate traffic in the area, such as shopping centers, major industries, schools, entertainment venues, or emergency services (hospitals, fire stations, police departments, etc.);

- d. Drawings of the crossing and vicinity – include information on nearby roads to determine if they can accommodate additional vehicular traffic if crossing is closed.

Staff shall review RCHAR, and if necessary participate in field diagnostic meetings to review the proposed at-grade crossings.

10.2 The Program Manager shall review the RCHAR filed by RTA considering all applicable engineering safety standards and the safety impact of the entire project.

- a. If the Program Manager agrees with RTA's proposed at-grade rail crossings contained in the RCHAR, the RCHAR shall be forwarded to the Director for review. The Director shall prepare and submit for Commission action a draft Resolution either (i) granting approval, or (ii) explaining why the request should be denied, and, if relevant, explaining what modifications would make the request acceptable.
- b. If the Program Manager does not agree with parts of RTA's proposal to keep certain rail crossings at grade, the Program Manager shall submit the staff's safety concerns to the RTA
- c. If the RTA agrees with the Program Manager, the Director shall submit a draft Resolution to the Commission either (i) granting approval setting forth the terms for crossing approval agreed to by Program Manager and the RTA or (ii) explaining why the request as thus conditioned should be denied, and, if relevant,



explaining what additional modifications would make the request acceptable.

- d. If the RTA does not agree with the Program Manager, it may submit its request for crossing approval to the Director. The RTA may request a personal appearance before the Director to present its position.
- e. Following the appearance, the Director shall set forth his/her position on the request for approval by the RTA in a draft Resolution to be considered by the Commission. The draft Resolution shall be noticed in the Commission's Daily Calendar 30-days in advance of consideration by the Commission.
- f. The RTA may withdraw its request for approval of its plans for a crossing at any time before the Commission takes action on the draft resolution and, if it chooses, may file a formal application with the Commission.
- g. The RTA may file a petition for modification of the Resolution pursuant to the Commission's Rules of Practice and Procedure provided, however, that subsection (b) of Rule 47 shall not apply and the petition may request a hearing or ask for additional materials to be received.

10.3 RTAs shall comply with all applicable Commission General Orders (GO), including GO 75—REGULATIONS GOVERNING THE INSTALLATION OF WARNING DEVICES FOR AT-GRADE RAIL CROSSINGS IN THE STATE OF CALIFORNIA, and GO 88—RULES FOR ALTERING PUBLIC HIGHWAY-RAIL CROSSINGS.

**11 REQUIREMENTS FOR SAFETY CERTIFICATION PLAN**

- 11.1 Each RTA shall be responsible for Safety Certification of all Projects that initiate preliminary engineering after February 27, 2003. The RTA shall ensure that all entities involved in design, construction, operation, and maintenance of all Projects shall comply with the requirements of the Safety Certification process.
- 11.2 Each RTA shall prepare a Project specific Safety Certification Plan (SC Plan) for each of its Projects. Applicable FTA guidelines shall be used as a reference.
- 11.3 Each RTA shall submit the SC Plan to Staff for review and Commission approval during the preliminary engineering phase. The RTA shall revise and expand the SC Plan as the Project progresses, as necessary. The RTA shall file any revision of the SC Plan with Staff. Within 45 calendar days, Staff shall approve or reject the proposed revisions.
- 11.4 The SC Plan shall address safety certification management including organizational authority and responsibilities, safety certification activities, processes and procedures, documentation requirements and responsibilities, and reporting requirements.
- 11.5 The SC Plan shall describe the controls used to maintain effective communications and liaison with Staff throughout the life of the Project. It shall also include procedures to obtain and adequately address Staff's written comments on safety and security design reviews conducted throughout Project development lifecycle.
- 11.6 The SC Plan shall identify the process used to verify and document conformance with safety and security

requirements during design, construction, testing, and operational readiness. The SC Plan shall include the following:

- a. The hazard management process to conduct safety hazard analyses and safety hazard resolution. The document shall include a list of hazard analyses to be performed. Each RTA shall submit hazard analyses to Staff upon request.
- b. A list of all safety and security design criteria that will be used in the planning, design, and construction of Projects.
- c. Certifiable elements and sub-elements list.
- d. Safety certification audits conducted in accordance with written checklists to verify compliance and judge the effectiveness of the SC Plan.
- e. Format of Conformance checklists, and a list of the actual checklists as they become available: the actual checklists shall be submitted upon request.
- f. Safety Certification milestones.
- g. Procedure for updates.

## **12 REQUIREMENTS FOR SAFETY CERTIFICATION VERIFICATION REPORT**

12.1 Each RTA shall submit a Safety Certification Verification Report to verify Project compliance with the SC Plan.

12.2 Each RTA shall submit the SCVR to Staff at least 21 calendar days prior to the start of service. The SCVR shall certify that: (a) all requirements of the SC Plan have been

completed except for listed open items, if any, (b) that all safety hazards have been adequately mitigated, and (c) adequate restrictions/workarounds are in place to ensure the safety of operations until open items are closed. Staff shall respond to the SCVR within 9 calendar days of filing by approving the SCVR, or identifying areas that are not acceptable. Staff shall approve the SCVR by a formal letter to the RTA. The Project shall not be placed in service until the SCVR is approved.

12.3 The SCVR shall include a:

- a. Letter of Intent to Operate;
- b. Final Project Verification of Safety; and
- c. Remaining Open Items List, if any, with appropriate workarounds.

### **13 COMMISSION APPROVAL**

13.1 All requests for Commission approval, as identified in this General Order, shall be by letter to Staff. Staff shall prepare a resolution on the request for Commission consideration at a public meeting.

13.2 All protests, comments, and appeals of initial Staff or Director determinations shall be submitted to the Commission pursuant to the Commission Rules of Practice and Procedure.

Dated \_\_\_\_\_, at San Francisco, California.

PUBLIC UTILITIES COMMISSION  
STATE OF CALIFORNIA

By STEVE LARSON  
Executive Director